

August 30, 2016

VIA EMAIL

Mr. Jonathan S. Lubetsky
Environmental Specialist

lubetsky.jonathan@epa.gov

Re: Freedom of Information Act Request, EPA-HQ-2016-009655

Dear Lubetsky:

To clarify my request letter of August 23, 2016, in response to your letter of August 30, 2016, it is not correct that I requested “all emails containing the phrases ‘stay’ and /or ‘Clean Power Plan’ and/or ‘Supreme Court’ and/or Clean Energy Incentive Program from February 8, 2016 to August 23, 2016.”

Instead, I made four requests as follows:

1. All emails containing the phrases “stay” and/or “Clean Power Plan” and/or “Supreme Court” and/or Clean Energy Incentive Program resulting from an electronic automated search of the email accounts associated with Janet McCabe, Acting Assistant Administrator for the Office of Air and Radiation; Joseph Goffman, Associate Assistant Administrator & Senior Counsel for the Office of Air and Radiation; Gina McCarthy, Administrator of the U.S. Environmental Protection Agency; Elizabeth Shaw, Deputy Assistant Administrator for the Office of Air and Radiation; William Niebling, Senior Advisor for Congressional and International Affairs with the Office of Air and Radiation; and Beverly Banister, Senior Policy Advisor for the Office of Air and Radiation from February 8, 2015 until the date of this letter;
2. All documents including emails to or from the persons named in request number 1 relating to, discussing, or reporting on the July 29, 2016 EPA Local Government Advisory Committee meeting;

3. All documents including emails to or from the persons named in request number 1 relating to, discussing, or reporting on the stay of the Clean Power Plan as it relates to state implementation efforts or preparations for implementation by states; and
4. All documents exchanged between the persons named in request number 1 on or after January 1, 2016 and New York Attorney General Eric Schneiderman, Massachusetts Attorney General Maura Healey, U.S. Virgin Islands Attorney General Claude Earl Walker, Virginia Attorney General Mark Herring, California Attorney General Kamala Harris, Connecticut Attorney General George Jepsen, District of Columbia Attorney General Karl A. Racine, Illinois Attorney General Lisa Madigan, Iowa Attorney General Tom Miller, Maine Attorney General Janet T. Mills, Maryland Attorney General Brian A. Frosh, Minnesota Attorney General Lori Swanson, New Mexico Attorney General Hector Balderas, Oregon Attorney General Ellen Rosenblum, Rhode Island Attorney General Peter Kilmartin, Vermont Attorney General William Sorrell, Washington Attorney General Bob Ferguson, and/or New Hampshire Attorney General Joseph Foster containing the term "climate change."

As you can see, it is also not correct that my request "did not include the name of any particular EPA employee or set of employees whose records would be subject to search." Each of the four requests is bounded not only with respect to persons at the EPA but also with respect to date and subject matter.

I trust that with this clarification, EPA will provide a proper response to my request.

Sincerely,

A handwritten signature in black ink that reads "E. Duncan Getchell, Jr." The signature is written in a cursive, slightly slanted style.

E. Duncan Getchell, Jr.

Counsel for Murray Energy Corporation